

# Order

**Supreme Court  
Lansing, Michigan**

September 21, 2005

Clifford W. Taylor,  
Chief Justice

125762 & (26)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 125762  
COA: 253152  
Kent CC: 03-004744-FC

MELODY HARRIS,  
Defendant-Appellee.

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In an order dated June 28, 2005, *Harris v Michigan*, 545 US \_\_\_\_; 125 S Ct 2582; 162 L Ed 2d 552 (2005), the Supreme Court of the United States remanded this matter to this Court for further consideration in light of *Halbert v Michigan*, 545 US \_\_\_\_; 125 S Ct 2582; 162 L Ed 2d 552 (2005). After further consideration, we VACATE this Court's order of June 25, 2004; 470 Mich 882 (2004), and REMAND this case to the Kent Circuit Court for a determination of whether defendant is indigent and, if so, for the appointment of appellate counsel, in light of *Halbert, supra*. Appointed counsel may file an application for leave to appeal with the Court of Appeals, and/or any appropriate post-conviction motions in the trial court, within twelve months of the date of the circuit court's order appointing counsel, in accord with the deadlines in effect at the time defendant was denied counsel.

We do not retain jurisdiction.



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I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 21, 2005

*Corbin R. Davis*

Clerk